

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:17-CV-480

UNITED STATES *ex rel.* BRUCE  
CARROLL, BRINGING THIS ACTION  
ON BEHALF OF THE UNITED STATES  
OF AMERICA, THE STATES OF  
CALIFORNIA, COLORADO,  
CONNECTICUT, DELAWARE,  
FLORIDA, GEORGIA, HAWAII,  
ILLINOIS, INDIANA, IOWA,  
LOUISIANA, MARYLAND,  
MASSACHUSETTS, MICHIGAN,  
MINNESOTA, MONTANA, NEVADA,  
NEW JERSEY, NEW MEXICO, NEW  
YORK, NORTH CAROLINA,  
OKLAHOMA, RHODE ISLAND,  
TENNESSEE, TEXAS, VERMONT,  
VIRGINIA, and WASHINGTON, THE  
DISTRICT OF COLUMBIA, and THE  
CITIES OF CHICAGO, NEW YORK, and  
PHILADELPHIA, and the COUNTY OF  
ALLEGHENY, PENNSYLVANIA,

Plaintiffs,

vs.

BSN MEDICAL, INC., and JOHN DOES, 1  
through 100,

Defendants.

**UNITED STATES' AND RELATOR'S STIPULATION OF DISMISSAL OF  
CLAIMS AGAINST DEFENDANTS**

On August 14, 2017, Relator Bruce Carroll filed his original complaint in this action naming BSN Medical, Inc. and John Does 1 through 100 as Defendants. Pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure and the qui tam provisions of the False Claims

Act, 31 U.S.C. § 3730(b)(1), and in accordance with the terms of the Settlement Agreement (Doc. 46-1) entered into by the United States, Relator, and BSN Medical, Inc., the United States and Relator hereby stipulate, through their respective undersigned counsel, to the entry of an order that:

- (a) All claims and causes of action set forth in the *qui tam* Complaint shall be dismissed with prejudice as to Relator;
- (b) All claims and causes of action set forth in the *qui tam* Complaint and brought on behalf of the United States against Defendant BSN Medical, Inc. for the Covered Conduct, as that term is specifically defined in Paragraph D of the August 12, 2022 Settlement Agreement between the United States, Relator and BSN Medical, Inc., shall be dismissed with prejudice as to the United States; and
- (c) All other claims against BSN Medical, Inc. and all claims against any other Defendants shall be dismissed without prejudice to the United States.

The Court will retain jurisdiction to the extent necessary to enforce the terms of the Settlement Agreement. The United States requests that the Court enter an Order in the attached proposed form.

Respectfully submitted this 25th day of August, 2022.

**DENA J. KING**  
UNITED STATES ATTORNEY

**s/Katherine T. Armstrong**  
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**s/Charles H. Rabon, Jr.**  
CHARLES H. RABON, JR.  
Rabon Law Firm, PLLC  
Counsel for Relator Bruce Carroll

**CERTIFICATE OF SERVICE**

I hereby certify that on the 25th day of August, 2022, the foregoing was served upon the parties below by electronic mail, pursuant to the parties' consent:

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**s/Katherine T. Armstrong**  
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